

July 23, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
700 Central Building
810 Third Avenue
Seattle, Washington 98104

- REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL:
- A. APPEAL OF SEPA THRESHOLD DETERMINATION.
 - B. PROPOSED PLAT OF CARRIAGE WOOD PARK.
 - C. PETITION FOR ROAD VACATION.

SUBJECT: Department of Development and Environmental Services File No. **L95P0009**
Proposed Ordinance No. **96-372**

CARRIAGE WOOD PARK
Preliminary Plat Application
Appeals of SEPA Threshold Determination

Applicant: William Finkbeiner
Finkbeiner Development
12011 Bel-Red Road, Suite 206
Bellevue, WA 98005

Appellants: William Finkbeiner
Finkbeiner Development
12011 Bel-Red Road, Suite 206
Bellevue, WA 98005

and

Gary Blattenbauer, et al.
18228 - 160th Avenue SE
Renton, WA 98058

Location: Lying on the south side of SE Petrovitsky Road, approximately
between 160th Avenue SE and the Cedar River Pipeline right-of-
way

Department of Transportation File No. **V-2274**
Proposed Ordinance No. **96-570**

BERRIS SONNENBERG
Petition for Road Vacation

Petitioner: Berris Jeanne Sonnenberg
c/o Craig Sears
Land Use Consulting
2134 NW 204th Street
Seattle, WA 98177

Location of Road: Portion of SE 184th Place between approximately 160th Avenue
SE and the Cedar River Pipeline right-of-way

SUMMARY OF PLAT RECOMMENDATIONS:

Division's Preliminary:	Approve, subject to conditions
Division's Final:	Same as above
Examiner:	Approve, subject to conditions (modified)

SUMMARY OF ROAD VACATION RECOMMENDATIONS:

Division's Preliminary:	Approve
Division's Final:	Approve
Examiner:	Approve

PRELIMINARY REPORTS:

The Department of Development and Environmental Services Preliminary Report on Item No. L95P0009 was received by the Examiner on June 24, 1996. The Department of Transportation Preliminary Report on Item No. V-2274 was received by the Examiner on June 24, 1996.

PUBLIC HEARING:

After reviewing the Land Use Services Division's and the Department of Transportation's Reports and examining available information on file with the petition, application and appeals, the Examiner conducted a public hearing on the subject as follows:

Pre-hearing Conference:	May 17, 1996
Motions on SEPA appeals:	May 23, 1996
Hearing Opened:	July 8, 1996
Hearing Closed:	July 8, 1996

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Density, subdivision lots
- Recreation area -- subdivisions
- Sensitive area protection -- wetlands
- Road vacations -- public benefit
- Compatibility of uses
- Wells -- protection
- Road standards
- Pedestrian facilities
- Schools
- Road capacity and mitigation

FINDINGS, CONCLUSIONS, RECOMMENDATIONS AND DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	William Finkbeiner Finkbeiner Development, Inc. 12011 Bel-Red Road, #206 Bellevue, WA 98005
Engineer:	Robert D. Scholes, P.E. ESM, Inc.

34004 - 9th Avenue South, Bldg. A
Federal Way, WA 98003

STR: 35-23-05
Location: Lying on the south side of SE Petrovitsky Road,
approximately between 160th Avenue SE and the Cedar
River Pipeline right-of-way
Zoning: R-6-P
Acreage: 4.48 (reduced to 4.36)
Number of Lots: 30 proposed (22-26 recommended)
Typical Lot Size: Ranges from approximately 2,925 to 5,254 square feet
Proposed Use: Townhouses
Sewage Disposal: Soos Creek Water & Sewer
Water Supply: Soos Creek Water & Sewer
Fire District: King County Fire District No. 40
School District: Kent School District
Complete Plat
Application Date: April 23, 1996

2. Except as modified below, the facts set forth in the King County Land Use Services Division's and Department of Transportation's Preliminary Reports to the King County Hearing Examiner are found to be correct and are incorporated herein by this reference. Copies of the said reports will be attached to the copies of this report submitted to the County Council.
3. On May 10, 1995, the applicant submitted a proposal to subdivide the subject property into 24 lots for single-family dwellings. On January 29, 1996, the applicant revised the application to propose 30 dwelling units on "zero-lot-line" lots, for the development of attached townhouses. Both styles of development, single-family detached or attached townhouses, are permitted in the R-6 zone classification pursuant to King County Code Title 21A, the current King County zoning code.
4. King County Code 21A provides a base density of six dwelling units per acre as the maximum density in the R-6 zone, unless residential density incentives or transfers of density credit are authorized. The applicant has not proposed the application of density incentives or transfer of density credit for this proposal. A maximum of 26 dwelling units (the "base density") is permitted on the portion of the property to be developed.

The subject property consists of two separate lots, separated by SE Petrovitsky Road. The applicant's proposal would provide for all dwelling units to be located on the portion of the property lying south of SE Petrovitsky Road. Since the proposal does not qualify for the transfer of density credit from the north lot to the south lot, the applicant has asked that the lot on the north side of SE Petrovitsky Road be withdrawn from this application.

The minimum density required by KCC 21A.12.030.A, which is 85% of the base density, requires development of not fewer than 22 dwelling units on the subject property.

5. The proposed development will add traffic to SE Petrovitsky Road, a principal arterial adjacent to the subject property. The Transportation Needs Survey indicates that future widening of Petrovitsky Road adjacent to this property will be required to accommodate additional traffic. Forty-two feet of right-of-way currently exists south of the center line; fifty feet of right-of-way is required for full development of SE Petrovitsky Road in accordance with current King County Road Standards. The eight feet of additional right-of-way to be dedicated for SE Petrovitsky Road cannot be included in the computation of the subdivision area for purposes of determining residential density. KCC 21A.06.1172.
6. The subject property is within the City of Renton's southeast potential annexation area. If this site is annexed by Renton, it is likely the proposed structures would be non-conforming since the proposed development does not provide secondary emergency access as is currently required by Renton code. For development within the City of Renton, if a cul-de-sac exceeds 500 feet in length, fire sprinkler systems are required for all houses beyond 500 feet measured from the beginning of the cul-de-sac. Also, the City of Renton code limits cul-de-sacs to a maximum length of 700 feet.

King County Road Standards authorize cul-de-sac length of up to 1,000 feet if 50 or fewer potential lots are to be served and there is provision for emergency turn-around near the mid-length of the cul-de-sac. Otherwise, a permanent cul-de-sac shall not be longer than 600 feet measured from the centerline of the intersecting street. The proposed subdivision must conform to the existing King County Road Standards, or a variance from the Road Standards is required to be issued by the King County Road Engineer. Conflicting standards of the City of Renton are not applicable.

7. The subject property contains four wetlands, one of which was constructed in 1968 as an ornamental pond. Wetland No. 1, the ornamental pond, and Wetland No. 2 lie along the south boundary of the subject property, south of the existing driveway and proposed extension of SE 184th Street. Wetland No. 3 exists in an area adjacent to the west boundary of the subject property, immediately north of the existing driveway and proposed extension of SE 164th Street.

The ornamental pond was constructed in 1968. At that time the south portion of the property carried surface water from the west to the east property boundary, from which the surface water continued to flow to the east. In the 1970s, construction of a 78-inch water pipeline on the property to the east altered the topography in a manner which resulted in the back-up of water into the area which is now Wetland No. 1.

King County Ordinance No. 12122, adopted January 29, and effective February 17, 1996, redefines "wetlands" consistent with the Washington Growth Management Act, to exclude "artificial features created from non-wetland areas including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities..."

DDES contends that the ornamental pond is a regulated wetland because it was created in a wetland area. However, the preponderance of the evidence in this case is that, at the time of construction of the landscape pond, the area within which the pond is located carried surface water flows, but was a non-wetland area.

Although Wetland No. 2 came into existence as a result of the construction of the ornamental pond, it was not intentionally created as a landscape, irrigation or drainage feature. It came into existence as the unintended consequence of the development of the ornamental pond.

The area of Wetland No. 3 had previously been a swale within which surface water drained to the northwest. This swale was blocked by construction of Carriage Wood Division 8, the subdivision adjacent to the west of the subject property. This blockage, together with the possible addition of water run-off from Lots 2-4 of Carriage Wood Division 8, resulted in the creation of Wetland No. 3. Although some characteristics of Wetlands Nos. 2 and 3 are similar, those characteristics are common wetland features, and do not justify the conclusion that Wetlands Nos. 2 and 3 were hydrologically connected prior to construction of the existing driveway on the subject property. The most significant evidence bearing on the issue of hydrological connection is that the underlying till is at a high point at the driveway location. Based primarily on that evidence, and the additional evidence that the area of Wetland No. 3 previously drained to the north while Wetland No. 2 drained to the east, I find that Wetlands Nos. 2 and 3 are not hydrologically connected, and were not so connected prior to construction of the driveway.

The applicant proposes to fill the area of Wetland No. 3 pursuant to the authorization contained in the King County Code which permits alterations to isolated wetlands if its functions are relocated into a new wetland on the site pursuant to an approved mitigation plan.

KCC 21A.24.330.K. To avoid adverse impact from the filling of Wetland No. 3, the flow of surface water through this area must be re-established so that water is conveyed to the north, without seeping into or causing back-up of stormwater on the adjacent lots of Carriage Wood Division 8. This can be accomplished by construction of a drainage system along the west boundary of the subject property, conveying water from this area to Petrovitsky Road.

In conjunction with constructing the new drainage conveyance system from the area of Wetland No. 3, the applicant has agreed to provide a drainage pipe with "stub-outs" for the benefit of Lots 1-4 of Carriage Wood Division 8. If used, this system is likely to alleviate existing drainage problems on those lots. King County DDES has given approval to the concept outlined above. The preponderance of the evidence is that the proposed subdivision will not adversely impact

drainage problems within Carriage Wood Division 8, and is likely to alleviate existing problems.

8. The applicant has agreed to satisfy the conditions of the mitigated determination of non-significance issued on March 19, 1996. Compliance with these conditions will be accomplished through enlargement of the drainage pond previously constructed in conjunction with the development of Carriage Wood Division 8, together with such other improvements as are necessary and approved by King County to reduce stormwater flows into Madsen Creek.
9. The King County Department of Public Health requires that the existing on-site well and septic system be abandoned in accordance with Health Department requirements as a condition of final Health Department approval.
10. Although a nearby property owner has expressed concern that the proposed development could affect their operating well, this proposal will not be within the well protection area established by regulation, and no evidence of likely impact was offered.
11. The King County Department of Transportation recommends that pedestrian access to the site be provided from Petrovitsky Road. The Department suggests that Tract B may be an appropriate location for such access. In the absence of direct access from the cul-de-sac, an additional 800 feet of pedestrian travel would be required for travel from the northerly portion of the subject property to SE Petrovitsky Road. Section 2.08.C of the King County Road Standards authorizes the Road Engineer or LUSD to require such access to be provided if the need exists.
12. King County Code Section 21A.14.180 requires residential developments to provide recreation space for leisure, play and sport activities at a rate of 390 square feet per dwelling unit for residential subdivisions with a density of eight units or less per acre. This space is required to be on the site of the proposed development and must meet the requirements of KCC 21A.14.180.B.

A fee-in-lieu of actual recreation space may be paid to King County when certain criteria are met. However, KCC 21A.14.190 provides that all single detached subdivisions or townhouses, unless age-restricted to senior citizen housing, "...shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one-fourth mile that are developed as public parks or playgrounds and are accessible without crossing arterial streets". There are no such facilities within one-fourth mile of the subject property.

Existing play areas within the Carriage Wood development to the west are private parks. The King County Code does not provide for the alternative of paying fees to utilize off-site private property for recreation purposes. Similarly, the availability of adjacent property for recreation within the Lake Youngs Reservoir property, or access to the adjacent Lake Youngs trail, do not qualify under the King County Code to meet the recreation needs of the future residents of the subject property.

13. The subject property is located within the Kent School District, which has adequate capacity to accommodate the students who will reside within this proposed development. School impact fees have been established by ordinance and will be paid in the amount of \$1,936 per dwelling unit as a condition of final plat approval and the issuance of building permits.
14. The subject property is in Zone 337 of the King County Traffic Mitigation Payment System, and will pay a fee for road improvements in accordance with King County Ordinance. The current fee for this zone is \$2,113.80 per dwelling unit, which will be paid as a condition of final plat recording or issuance of building permits. The fee will be adjusted to the amount in effect at the time it is paid.
15. Vacation of the existing right-of-way along the south boundary of the subject property would be in the public interest, in that it would return to the tax rolls property which is now useless for road purposes. That right-of-way was conveyed to King County by prior owners of the subject property for right-of-way purposes. Upon vacation, ownership of that right-of-way will revert to the subject property, and it can be included in the computation of the allowable number of dwelling units to be developed.
16. The Department of Transportation found no evidence that the vacation area has ever been open as a public road, and no public funds have been expended for its acquisition, improvement or maintenance. The Department considers the subject right-of-way as not necessary as part of the

County road system.

17. The right-of-way is "Class C", for which compensation is due King County as a condition of road vacation based on 50% of the appraised value of adjoining lands. The sum of \$1,112.40 has been deposited by the petitioner with King County. No utilities serving the area require easements within the right-of-way; the Land Use Services Division of the Department of Development and Environmental Services finds that vacation of the right-of-way would not conflict with the King County Comprehensive Plan or specific plans for development in the vicinity of this proposed vacation.

CONCLUSIONS:

1. The appeal by the applicant of the MDNS has been withdrawn and should be dismissed.
2. The appellants Gary Blattenbauer, et al., have not presented sufficient evidence to show that the proposed development, with the conditions established by the MDNS, would have a probable significant adverse impact upon the environment.
3. The portion of the subject property which lies north of SE Petrovitsky Road has been withdrawn from this application. All density calculations, other computations and conditions shall be based solely on and shall affect only the portion of the subject property lying south of SE Petrovitsky Road.
4. Development of the subject property must be consistent with applicable King County Road Standards, except to the extent that variances may be granted by the Department of Transportation. Compliance with road standards of the City of Renton is not required.
5. Impacts of traffic to and from the subject property will be mitigated in accordance with applicable ordinances and regulations. With the mitigating measures, including dedication of eight feet of additional right-of-way for SE Petrovitsky Road, and payment of the traffic mitigation fee required by ordinance, the proposal will not have significant adverse impact upon area traffic.
6. Direct pedestrian access from the cul-de-sac to SE Petrovitsky Road may be provided at the applicant's option, and may be required by the Road Engineer or LUSD.
7. Payment to the Kent School District of the school impact fee required by ordinance will reasonably mitigate the adverse impact of the proposed development on schools which serve the area.
8. The domestic water supply well and septic system presently on the property must be abandoned in accordance with applicable laws and regulations.
9. Single-family detached residences or attached ("townhouse") style development is permitted on the subject property. Unless the final plat is designed for townhouse development, a conditional use permit will be required for such development
10. The ornamental pond lying between Wetlands Nos. 1 and 2 is exempt from regulation as a wetland pursuant to King County Ordinance 12122.

Wetland No. 3 may be filled or otherwise altered, provided that a mitigation plan acceptable to King County is implemented to meet the requirements of Ordinance 21A.24.330.K.

11. Implementation of the conditions of the Mitigated Determination of Environmental Non-Significance is necessary to assure that the proposed development will not have probable significant adverse impact upon the environment. The applicant's proposal to install drainage facilities along the west boundary of the subject property, north of SE 164th Street, is necessary to assure that the proposed development will not have significant adverse impact upon adjacent properties to the west. The applicant's proposal to provide for "stub-outs" to serve adjacent Lots 1-4 of Carriage Wood Division 8 is reasonable and necessary to provide for buildable lots on the subject property as well as to potentially alleviate existing drainage problems to the west.

12. The proposed development is required to provide on-site recreation facilities for residents of this development consistent with the requirements of KCC 21A.14.180 -.200. Payment of a fee in lieu of open space is not a permissible option for this proposed development.
13. The 30 feet of right-of-way along the south boundary of the subject property is useless as part of the King County road system, and the public will be benefitted by its vacation.
14. The Notice of Hearing on the Report of the Department of Transportation on the petition by Berris Sonnenberg for vacation of a portion of SE 184th Place was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner in conjunction with the hearing on the application for preliminary plat approval and the appeals of the Mitigated Determination of Environmental Non-Significance.
15. The administrative fee required by law to be paid as a condition precedent to the vacation of a portion of SE 184th Place, together with the compensation required by ordinance, has been deposited with King County. No easements were necessary for the construction, repair and maintenance of public utilities and services within that right-of-way.

DECISION ON APPEALS OF MITIGATED DETERMINATION OF NON-SIGNIFICANCE

1. The appeal of the March 19, 1996 Mitigated Determination of Environmental Non-Significance filed by Finkbeiner Development, Inc. has been WITHDRAWN and is hereby DISMISSED.
2. The appeal of the March 19, 1996 Mitigated Determination of Environmental Non-Significance filed by Gary Blattenbauer, et al., is DENIED.

RECOMMENDATION:

APPROVE the proposed preliminary plat of CARRIAGE WOOD PARK as revised and received January 29, 1996, subject to the following conditions of final plat approval:

1. The number of lots shall be reduced to not more than the base density for the R6 zone, calculated on the basis of the remaining area of the proposed subdivision following exclusion of the area north of SE Petrovitsky Road and exclusion of the eight (8) feet of right-of-way to be dedicated to provide 50 feet of right-of-way south of the centerline of Petrovitsky Road. The minimum number of lots shall be not less than 85% of the base density. The applicant shall have the option of designing the subdivision to accommodate detached single-family dwellings or attached townhouse development. Revisions to the plat consistent with the foregoing Findings, Conclusions, these conditions, or other minor revisions may be approved by LUSD.
2. Compliance with all platting provisions of Title 19 of the King County Code.
3. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
4. Applicant shall demonstrate proper abandonment of the existing domestic water supply well and septic system on the subject property, and shall obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as may be modified by variance granted by the King County Road Engineer.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or

location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements, which apply to all plats.

- a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. LUSD approval of the drainage and roadway plans is required prior to any construction.
- b. Current standard plan notes and ESC notes, as established by LUSD Engineering Review, shall be shown on the engineering plans.
- c. The following notes shall be shown on the final recorded plat:

"All building downspouts, footing drains and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with LUSD and/or the Department of Transportation. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
- d. The applicant applied for and was granted a variance (File No. L96V0037) to share the existing detention pond in Tract A of Carriage Wood Division 8. The conditions of approval for this variance shall be met at engineering plan submittal, if the Carriage Wood Division 8 pond is shared.
- e. A special use permit is required, per KCC 14.30.020, to modify or enlarge the existing Tract A Carriage Wood Division 8 detention pond. The permit shall be acquired prior to engineering plan approval.
8. The applicant shall design and construct a surface and sub-surface drainage conveyance system along the west property boundary, north of SE 184th Street, consistent with the Surface Water Design Manual, and which will not exacerbate the existing drainage problem in that area. LUSD may require the implementation of the recommendations contained in an April 24, 1996 engineering report prepared by Dennis Joule, P.E., or other improvements to satisfy this condition.
9. The following condition specifies the required road improvements, to be constructed according to the 1993 King County Road Standards:
 - a. The access road (SE 184th Street Extension/161st Place SE) shall be constructed to the urban subaccess standard. Additional road right-of-way for the turnaround bulb shall be dedicated to King County, as necessary, to provide for the construction of a sidewalk to the mid-point of the turnaround.
 - b. Tract A shall be improved as a private, minor access street, per the requirements of KCRS Section 2.03, and it shall have a minimum tract width of 26 feet.
 - c. The access road shall meet the requirements for cul-de-sacs contained in King County Road Standard 2.08.B governing cul-de-sac length and emergency turnaround for cul-de-sacs longer than 600 feet.
 - d. Modifications to the above conditions may be considered by King County, pursuant to the variance procedure in KCRS Section 1.08.
10. The Department of Transportation and LUSD shall review the need for an off-street walk to connect the cul-de-sac at its terminus with SE Petrovitsky Road, and may require such a connection pursuant to KCRS 2.08.C. In the absence of such requirement, the developer may provide such a connection at its option.
11. All utilities within proposed rights-of-way must be included within a franchise approved by the

King County Council prior to final plat recording.

12. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application, and a note shall be placed on the face of the plat stating: "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid". If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
13. Lots within this subdivision are subject to King County Ordinance 10162 and Ordinance 12063, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
14. There shall be no direct vehicular access to or from SE Petrovitsky Road from those lots which abut this street. A note to this effect shall appear on the final plat and engineering plans.
15. Eight feet of additional right-of-way shall be dedicated from the subject property to King County to provide for 50 feet of right-of-way south of the centerline of SE Petrovitsky Road.
16. A planter island, if provided within the turnaround bulb, shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.
17. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS
AND SENSITIVE AREA SETBACK AREAS**

Dedication of a Sensitive Area Tract/Sensitive Area Setback Area conveys to the public a beneficial interest in the land within the tract/setback area. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The Sensitive Area Tract/ Sensitive Area Setback Area imposes upon all present and future owners and occupiers of the land subject to the tract/setback area the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the easement. The vegetation within the tract/setback area may not be cut, pruned, covered by fill, removed or damaged without approval in writing from King County Department of Development and Environmental Services or its successor agency.

The common boundary between the tract/setback area and the area of development activity must be fenced or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the Sensitive Area Tract/Setback Area. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required building setback line, unless otherwise provided by law.

18. The proposed subdivision shall comply with the King County sensitive areas requirements, as stated in KCC 21A.24.

Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

- a. Class 2 wetlands shall have an average buffer width of 50 feet measured from the

wetland edge. Buffer averaging may be employed so long as the total amount of buffer area on site is not reduced and better resource protection is achieved.

- b. Wetlands 1, 2 and 3 as identified on the preliminary plat map are Class 2 wetlands. Wetlands 1 and 2 and their respective buffers shall be placed in a Sensitive Area Tract or Tracts. Wetland 3 may be altered or eliminated, provided mitigation is provided acceptable to LUSD. Prior to engineering plan approval, the applicant shall submit a wetland and buffer mitigation plan. The plan must include final grades, planting notes and details, as well as a monitoring plan. Bonding may be required by LUSD to assure the installation and survivability of required plantings for up to a five year period.
 - c. A minimum building setback line of 15 feet shall be required from the edge of any Sensitive Area Tract.
 - d. Prior to engineering plan approval, the owner of the property shall submit proof that a Notice on Title has been filed for record with the Records and Elections Division, to run with the land. The Notice shall be approved by LUSD and shall inform the public record of the presence of a sensitive area or buffer, the application of KCC 21A.24 to the property, and that limitations on action in or affecting such areas or buffers may exist.
 - e. Prior to commencing construction activities in the vicinity of any wetland to be retained and/or its buffer, the applicant shall mark sensitive areas in a highly visible manner, and these areas must remain so marked until all development activities in the vicinity of the sensitive area are completed.
 - f. Prior to commencing construction activities on the site, the boundary between adjoining property and the sensitive areas tract must be identified with sensitive area signs. Sign detail must be shown on the final engineering plans.
 - g. Prior to commencing construction activities on the site, permanent survey stakes delineating the boundary between adjoining property and sensitive area tracts shall be set, using iron or concrete markers as established by current survey standards.
 - h. The wetland identified as "existing ornamental pond" is not subject to regulation as a sensitive area and may be eliminated.
19. Suitable recreation space shall be provided, consistent with the requirements of KCC 21A.14.180 and 21A.14.190. A recreation space plan shall be reviewed and approved by LUSD and the King County Parks Division prior to engineering plan approval.
20. A homeowners' association or other workable organization shall be established to the satisfaction of LUSD which provides for the ownership and continued maintenance of the recreation and open space area(s).
21. The following conditions have been established by SEPA as necessary requirements of this development. The applicant shall demonstrate compliance with them prior to final approval of the engineering plans.
- a. If engineering review occurs after the inclusion of the King County Runoff Time Series (KCRTS) into the revised Surface Water Design Manual (SWDM), then KCRTS shall be used to design R/D facilities so that post-development flow durations shall not exceed pre-development flow durations above 50 percent of the pre-development 2-year, 10-year, 25-year, and 50-year peak annual flow levels. A 10 percent volumetric safety factor shall be added to facilities meeting these criteria.
 - b. If engineering review occurs before the inclusion of KCRTS into the SWDM, then the applicant may choose to design R/D facilities under standard A, or he shall design the facilities using the Soil Conservation Service-Santa Barbara Urban Hydrograph, 24-hour Storm Method described in the 1990 SWDM so that post-development 2-year, 10-year, and 100-year storm flows do not exceed pre-development storm flows equaling 50 percent of the 2-year, 2-year, and 10-year flows, respectively. A 30 percent volumetric safety factor shall be added to facilities meeting these criteria.

These standards shall be waived if the applicant provides facilities for 100% infiltration of runoff.

22. Clearing and grading activities on the site shall conform with Soos Creek "P" Suffix Condition IB (p. 148, Soos Creek Area Zoning). Building envelopes or clearing restrictions shall appear on the final engineering plans, as required by Condition IB.
23. The area along the south boundary within existing County right-of-way, which is proposed to be vacated pursuant to the petition of Berris Sonnenberg, shall be included in the area of the subdivision only in the event that vacation thereof has been completed prior to final plat approval.

APPROVE proposed Ordinance No. 96-570 to vacate a portion of SE 184th Place as petitioned by Berris Sonnenberg.

RECOMMENDED this 23rd day of July, 1996.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 23rd day of July, 1996, to the following parties and interested persons:

Robert F. Aliment
18229 - 152nd Avenue SE
Renton, WA 98058

Renton, WA 98058

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Jon Hansen, DDES/Land Use Services Division
Dennis Gorley, Dept of Transportation/Road Services Division
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Larry Underdahl, METRO/Environmental Planning
Larry West, DDES/Land Use Services Division
Bruce Whittaker, DDES/Land Use Services Division

PETITION FOR ROAD VACATION
NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before August 6, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before August 13, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

PRELIMINARY PLAT APPLICATION
NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before August 6, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before August 13, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of

this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE JULY 8, 1996 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2274, SONNEBERG ROAD VACATION, AND DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L95P0009 - CARRIAGE WOOD PARK SEPA AND PLAT COMBINED HEARINGS:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Dennis Gorley, Lanny Henoeh, Luanne Coachman, Bruce Whittaker, Jon Hansen, Larry West, Gary Blattenbauer, Jeff Jeremiah, Darrell Offe, Bill Finkbeiner, Craig Sears, Mike Heavey, Mike Unich, Laurie Moe, Larry Palmer, Ira Clue, Kathie Collins, Clare Siebel, Dale Myers, Mark Konkol, Dennis Joule, Kevin Noon, and Craig Stone.

The following exhibits were entered into the record pursuant to Department of Transportation File No. V-2274 - Sonnenberg Road Vacation Application:

Exhibit No. V-1	Petition transmittal letter dated August 15, 1995 from Clerk of Council
Exhibit No. V-2	Letter from petitioner's agent dated August 11, 1995
Exhibit No. V-3	Petition for vacation
Exhibit No. V-4	Vicinity map
Exhibit No. V-5	Copy of deposit check
Exhibit No. V-6	Copy of Certified Notice of Completed Application
Exhibit No. V-7	Copy of Quit Claim Deed from D.H. Proctor to King County (Recording No. 2243981)
Exhibit No. V-8	Map depicting vacation area
Exhibit No. V-9	Puget Sound Power & Light letter dated October 4, 1995
Exhibit No. V-9A	Puget Sound Power & Light letter dated November 8, 1994
Exhibit No. V-10	Washington Natural Gas letter dated October 6, 1995
Exhibit No. V-11	U.S. West Communications response dated October 4, 1995
Exhibit No. V-12	Soos Creek Water & Sewer District response dated September 28, 1995
Exhibit No. V-13	METRO response dated September 28, 1995
Exhibit No. V-14	King County Department of Development and Environmental Services response dated February 8, 1996
Exhibit No. V-15	King County Property Services response dated May 6, 1996
Exhibit No. V-16	King County Traffic Engineering Section response dated October 24, 1995
Exhibit No. V-17	King County Transportation System Planning Section response dated September 28, 1995
Exhibit No. V-18	King County Road Maintenance Section response dated October 17, 1995
Exhibit No. V-19	King County Parks & Office of Open Space responses dated April 6, 1995
Exhibit No. V-20	Historical Preservations response dated November 1, 1995
Exhibit No. V-21	TCI Cablevision response dated January 23, 1996
Exhibit No. V-22	City of Renton Planning Department response dated January 16, 1996
Exhibit No. V-23	Letter dated May 29, 1996 from petitioner re: payment of compensation
Exhibit No. V-24	Copy of check and cash transmittal and receipt for compensation paid
Exhibit No. V-25	Notice of hearing and affidavit of posting
Exhibit No. V-26	Affidavit of posting
Exhibit No. V-27	Letter dated June 14, 1996 from Department of Transportation, Road Services Division, to Clerk of Council

Exhibit No. V-28	Letter dated June 10, 1996 to petitioner from Roads Division identifying amount of compensation and requesting petitioner execute the deed for exchange right-of-way
Exhibit No. V-29	Road Vacation Worksheet V-2274.XLS
Exhibit No. V-30	Letter dated June 10, 1996 from King County Executive to Councilmember Jane Hague
Exhibit No. V-31	Proposed Ordinance

The following exhibits were entered into the record pursuant to Department of Development and Environmental Services File No. L95P0009 - Carriage Wood Park Combined SEPA Appeal and Plat Application:

Exhibit No. 1	Department of Development and Environmental Services File No. L95P0009
Exhibit No. 2	Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the July 8, 1996 public hearing
Exhibit No. 3	Preliminary plat application, received May 25, 1995
Exhibit No. 4	Letter from William Finkbeiner, dated January 29, 1996, with Certificate of Transportation Concurrency attached
Exhibit No. 5	Environmental Checklist, received May 25, 1995
Exhibit No. 6	Amended Environmental Checklist, received April 23, 1996
Exhibit No. 7	Mitigated Determination of Non-Significance, issued March 19, 1996
Exhibit No. 8	Letter of appeal of SEPA threshold determination from Gary Blattenbauer, et. al, dated April 2, 1996
Exhibit No. 9	Letter of appeal of SEPA threshold determination from applicant's representative, Michael J. Heavey, dated April 3, 1996
Exhibit No. 10	Affidavit of posting, received April 23, 1996, indicating posting occurred beginning on April 16, 1996
Exhibit No. 11	Revised preliminary plat map, received January 29, 1996
Exhibit No. 12	Land use map - Kroll maps 826W, 826E and 827W
Exhibit No. 13	King County Assessor Map - NE 1/4 of 35-23-05
Exhibit No. 14	Wetland Assessment, J.S. Jones & Associates, Inc., dated August 31, 1995
Exhibit No. 15	Letter from John Altmann, Talasaea Consultants, dated February 1, 1996
Exhibit No. 16	Letter from Craig Sears, dated December 20, 1995, with attached drawing
Exhibit No. 17	Letter from Darrell Offe, dated February 13, 1996
Exhibit No. 18	Faxed letter from Dennis Joule, dated March 7, 1996, with two attached drawings
Exhibit No. 19	Addendum report from Dennis Joule, dated April 24, 1996
Exhibit No. 20	Letter from Gary Blattenbauer, dated June 22, 1995
Exhibit No. 21	Letter from Mr. & Mrs. Seibel, dated April 3, 1996
Exhibit No. 22	Wetland Reconnaissance Report by Doug Gresham of Herrera Environmental Consultants, July 1, 1996
Exhibit No. 23	RCW language re: wetlands
Exhibit No. 24A-C	Three aerial photos of site and vicinity dated 1936, 1960, and 1964
Exhibit No. 25	1917 topography map with subject site highlighted
Exhibit No. 26	Temporary Erosion and Sedimentation Control Plan for Carriage Wood No. 8
Exhibit No. 27	Paving and Drainage Plan for Carriage Wood No. 8
Exhibit No. 28A-C	Three aerial photos of site and vicinity dated 1978, 1980 and 1985
Exhibit No. 29	Oversize board with 11 color photos and map of site, and 6 aerial photos with site marked in yellow
Exhibit No. 30A-B	Two topographic maps showing conditions prior to installation of 78" pipe
Exhibit No. 31	Seattle Water Department Pipeline Map
Exhibit No. 32	Topography map by Seattle Water Department circa 1985
Exhibit No. 33	Letter dated July 1, 1996 from Darrell Offe to LUSD, with attached grading concepts
Exhibit No. 34	Conceptual drainage plan dated July 1, 1996
Exhibit No. 35	Video presented by Jeff Jeremiah, taken May 3, 1996 on subject site
Exhibit No. 36	Photos and map showing combined on- and off-site retention/detention

Exhibit No. 37	Letter dated May 1, 1996 from Candlewood Ridge-Carriage Wood HOA to Examiner
Exhibit No. 38	Letter dated May 1, 1996 and petition from neighbors
Exhibit No. 39	Memo dated July 3, 1996 from Paulette Norman to Bruce Whittaker and Lanny Henoeh
Exhibit No. 40	Phone logs of Craig Sears with County Staff and others

JNOC:gb
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